

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
December 17, 2013

In the Matter of A. S. FOSTER, Minor.

No. 316216
Wayne Circuit Court
Family Division
LC No. 11-498574-NA

Before: WILDER, P.J., and FORT HOOD and SERVITTO, JJ.

PER CURIAM.

Respondent father appeals as of right from the order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.¹

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights if the court also finds that termination of parental rights is in the best interests of the child. MCL 712A.19b(5). Whether termination of parental rights is in the best interests of the child must be proven by a preponderance of the evidence. *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). We review for clear error a trial court's factual findings, its determination that a statutory ground for termination of parental rights has been proved by clear and convincing evidence, and its best-interests determinations. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake was made. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010).

In this case, respondent's parental rights were terminated under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j), which provide:

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

¹ The parental rights of the child's mother were also terminated, but she has not appealed.

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

(ii) Other conditions exist that cause the child to come within the court's jurisdiction, the parent has received recommendations to rectify those conditions, the conditions have not been rectified by the parent after the parent has received notice and a hearing and has been given a reasonable opportunity to rectify the conditions, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

* * *

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

* * *

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

The trial court did not clearly err in finding that a statutory ground existed to terminate respondent's parental rights. The conditions that led to adjudication were the alleged medical neglect of the child's sibling, domestic violence between the parents, and housing issues. Respondent was given a treatment plan to address his many issues. In addition to prior medical neglect of the child's sibling and being a perpetrator of domestic violence, he abused substances and was homeless. The evidence established that respondent failed to maintain stable housing during these proceedings, and he was without suitable housing at the time of the termination hearing. Although respondent's treatment plan contained components designed to ensure that he would not continue to be a neglectful parent, he failed to comply. Specifically, in addition to housing requirements, respondent's treatment plan required that he resolve his substance abuse issue, complete therapy and parenting classes, and maintain a legal source of income. Respondent had not successfully completed any of these components by the time of the termination hearing. He inconsistently attended substance abuse treatment, was terminated from treatment, and continued to abuse marijuana. His therapist opined that respondent had no dedication to remaining sober. Considering the length of time the case had been pending, there was no reasonable likelihood these issues would be resolved in a reasonable amount of time. The trial court did not clearly err in finding that termination was warranted under MCL 712A.19b(3)(c)(i). Because only one statutory ground is necessary to support the termination of a parent's rights, we need not address whether any other conditions were satisfied as well. *In re Foster*, 285 Mich App 630, 633; 776 NW2d 415 (2009).

The trial court also did not clearly err in its best-interest determination. In deciding a child's best interest, a court may consider the child's bond to his parent; the parent's parenting

ability; the child's need for permanency, stability, and finality; and the suitability of alternative homes. *In re Olive/Metts*, 297 Mich App at 41-42. Here the court noted the length of time the child was in foster care, respondent's lack of compliance with his treatment plan, and lack of a bond with the minor child. The court also noted that the child was in a stable environment with relatives, who wanted to plan for her, and mentioned the child's need for permanency, stability, consistency and finality.

The trial court's findings are fully supported by the evidence and are not clearly erroneous. The evidence established that the child had been in care since she was an infant and that she had no bond with respondent. The child was bonded with her maternal grandparents, whom she viewed as her parents. Her caregivers loved the child and desired to adopt her. As noted, respondent had no housing or income and had an unresolved substance abuse issue. Given all these circumstances, the trial court did not clearly err in finding that termination was in the child's best interests.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Karen M. Fort Hood
/s/ Deborah A. Servitto